IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS R. GALLOWAY, Jr.,)
Plaintiff,) Civil Action No. 11-691
v.) Jud ze Nora Barry Fischer/) Ma zistrate Judge Maureen P. Kelly
WESTMORELAND COUNTY COURT)
(CRIMINAL DIVISION),)
)
Defendant.)

MEMORANDUM ORDER

The above-captioned prisoner civil rights complaint and request to proceed in forma pauperis ("IFP") were received by the Clerk of Court on May 24, 2011, and were referred to United States Magistrate Judge Maureen P. Kelly for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation ("the Report"), ECF No. [3], filed on August 16, 2011, recommended pre-service dismissal of the complaint pursuant to 28 U.S.C. §§ 1915(e) and 1915A of the Prison Litigation Reform Act ("PLRA") because the complaint failed to state a claim upon which relief could be granted. Service was made on the Plaintiff at his address of record.

Plaintiff filed objections to the Report. ECF No. [12]. The objections do not merit rejection of the Report. The objections simply re-argue the merits of Plaintiff's putative delay-of-trial claim and are not at all responsive to the grounds raised in the Report for dismissing the complaint.

Hence, the following order is entered.

AND NOW, this 13th day of September 2011;

IT IS HEREBY ÓRDERED that the complaint is dismissed pre-service pursuant to the PLRA for failure to state a claim upon which rel ef can be granted.

IT IS FURTHER ORDERED that the F.eport and Recommendation,

ECF No. [9], filed on August 16, 2011 by Magistrate Judge Kel y, is adopted as the opinion of the court.

September **2** 2011

Nora Barry Fischer

United States District Judge

cc:

THOMAS R. GALLOWAY JY 8603 SCI Camp Hill P.O. Box 200 Camp Hill, PA 17001-0200